



**U.S. Department of Justice**  
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# PRESS RELEASE

January 31, 2005

**RE: UNITED STATES v. DOUGLAS BROTHERS, INC.**

United States Attorney Michael A. Battle announced today that Douglas Brothers, Inc., a corporation with offices located in Athens, Pennsylvania, pled guilty before Hon. David G. Larimer, United States District Judge to a felony Information, charging the corporation with one count of the knowing and unlawful violation of work practice standards under the Clean Air Act, in violation of Title 42, United States Code, Sections 7413(c)(1) and 7412(f)(4), carrying a maximum penalty of 5 years probation and a fine of \$500,000.00.

Assistant U.S. Attorney Tiffany H. Lee, who handled the case, stated that the defendant, Douglas Brothers, Inc., was hired in the fall of 2001 to conduct an asbestos removal operation at the Diven Elementary School, located in Elmira, New York, in the Western District of New York. On at least two separate occasions, the defendant was found to have violated the

Clean Air Act by not following federal work practice standards involved in the removal of asbestos which include the wetting of the asbestos containing material, proper sealing of the wetted asbestos containing material, and labeling of the asbestos containing material if the material is to be transported off the facility site.

On October 18, 2001, a New York Department of Labor Inspector observed improper asbestos removal in that the asbestos containing material was not wetted prior to removal. In addition, the Inspector observed visible emissions of dry asbestos. The Inspector also saw that there were no water sources, including hand sprayers, to do abatement in the containment area or in the entire project area. Asbestos bags found in the storage trailer also contained dry and flaky asbestos containing material.

On November 13, 2001, following the conclusion of the abatement project, the New York Department of Labor Inspector again inspected the Diven Elementary School. Suspected asbestos containing material was found lying on the ground in the areas that had been the subject of the abatement project. Four out of five samples taken and analyzed tested positive for friable asbestos.

After the November 13, 2001 inspection, the defendant returned to the Diven Elementary School site to clean up the

asbestos debris. The New York State Department of Labor re-inspected the site and approved the remediation.

The plea was the culmination of an investigation on the part of the United States Environmental Protection Agency, under the direction of William V. Lometti, Special Agent-in-Charge.

The Honorable District Court Judge David G. Larimer sentenced the defendant to a fine of \$40,000 and 5 years' probation.